

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1133 OF 2006
IN
CRIMINAL APPEAL NO.777 OF 2006**

Ashraf Majhar Sharif

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.K.H.Giri for the Applicant
Mr. S.V.More, A.P.P. for State

**CORAM: A.S.OKA,J.
DATE : NOVEMBER 9,2006.**

P.C.:

1. The Appeal filed by the Applicant against the order of conviction for an offence punishable under section 306 of the Indian Penal Code has been admitted and the substantive sentence is R.I. for four years. The fine amount is Rs.5000/- which is not deposited till today.

2. The Applicant has been acquitted for the offence punishable under section 498-A of the Indian Penal Code. The Applicant was on bail through out the trial and there is no allegation made as regards misuse of the liberty granted to the Applicant. The Applicant is in jail for about three months from the date of conviction.

3. The Appeal is not likely to be heard before the period of sentence is over. Hence, in view of decision of the Apex in case of Bhagwan Rama Shinde-Gosai Vs. State of Gujrat [(1999)

4 S.C.C. page 421), a case is made out for enlarging the Applicant on bail. Hence, the Application is disposed of by passing the following order :

- i) The Applicant shall be enlarged on bail on which he was enlarged during the pendency of trial subject to filing fresh bail bonds.
- ii) Bail is granted subject to the condition that the Applicant will report to Shivaji Nagar Police Station, Mumbai once in every calendar month till the disposal of the Appeal.

JUDGE